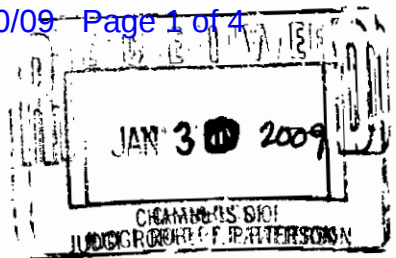


MEMORANDUM

TO: **HONORABLE ROBERT P. PATTERSON**
U.S. District Judge

FROM: **MARSHA DAVIES-CALHOUN, ACTING CHIEF**
Pretrial Services Officer

RE: **BAILEY, Taheerah**
DOCKET #: **08-CR-679**

The attached memorandum was prepared by Pretrial Services Officer
Jason G. Lerman

(212) 805-4109 (office)
(347) 219-9644 (cell)

Name	Phone Number
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will present to Your Honor significant details about the Bail Conditions which were imposed on the above-name defendant.

We are requesting direction from the Court. Please initial the appropriate box(es) and return this form to us so that we may comply with your instructions.

- ☐ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by the Court at this time.
- ☒ My chambers will inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom # 24A on February 4 at 9:30 AM.
Date Time
- ☐ So ordered: [Signature]
- ☐ I request that a Bail Review Hearing be conducted by:

☐ The presiding Magistrate Judge in courtroom # 5A.

☐ The District Court Judge presiding in Part I.

☐ _____
Judicial Officer

at his/her earliest convenience.

JUDICIAL OFFICER QUALITY IMPROVEMENT COMMENTS: This space is available for you to provide us with your thoughts or comments on the quality or content of this report. We are interested in knowing what we could have done differently or better to improve the value of this report to you. Thank you, Marsha Davies-Calhoun, Acting Chief U.S. Pretrial Services Officer.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/30/09

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PRETRIAL SERVICES OFFICE**

Marsha Davies-Calhoun
ACTING CHIEF PRETRIAL
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MEMORANDUM

TO: Honorable Robert P. Patterson
United States District Judge

FROM: Jason G. Lerman
United States Pretrial Services Officer

RE: Bailey, Taheerah
08-CR-679

DATE: January 29, 2009

On May 12, 2008, the above mentioned defendant was arrested and charged with Theft of Government Funds. She appeared before the Honorable Theodore H. Katz for her initial appearance and she was ordered released on the following conditions: \$25,000 unsecured bond, co-signed by one financially responsible person, travel restricted to the Southern/Eastern Districts of New York and the District of New Jersey, surrender all travel documents/no new applications and routine PSA supervision to include drug testing and treatment under the guidance of Pretrial Services.

After the defendant was indicted, on July 29, 2008 she appeared before the Honorable Theodore H. Katz and entered a not guilty plea to the charges. The case was then assigned to Your Honor for all purposes.

On September 15, 2008, Pretrial Services received a letter from Assistant U.S. Attorney Telemachus Kasulis requesting that Pretrial Services conduct a Deferred Prosecution Investigation for this defendant. Despite the defendant's continued marijuana use, Pretrial Services concluded that the defendant should be approved for the Deferred

Prosecution Program based on various factors that relate to her situation and that we would be able to work with the defendant to resolve her issues.

On November 6, 2008, the defendant appeared before Your Honor and signed the Deferred Prosecution Agreement that included the following special conditions: The defendant is subject to drug testing and treatment under the guidance of Pretrial Services, mental health counseling under the guidance of Pretrial Services, follow all instructions from her ACS caseworker Lisa Hassanova (Administration of Children's Services), make restitution in the amount of \$11,500 and sign a confession of judgment for any unpaid balance of the restitution. The period of her Deferred Prosecution was for six (6) months.

Since the defendant signed her Deferred Prosecution Agreement, she has continued her non-compliant behavior by missing her random drug testing appointments and submitting drug tests positive for marijuana when she reports to Pretrial Services. In addition, the defendant has not attended her drug counseling appointments since November 13, 2008 (on occasions calling the program to cancel with excuses and on several occasions, she failed to call to cancel the appointments).

On January 13, 2009, a case conference was held at the Pretrial Services Office with the defendant, the undersigned officer and Defense Counsel, Jennifer Brown to address the defendant's continued non-compliant behavior. It should be noted that during that case conference, the defendant's drug counselor, Steve Everett from CIS Counseling was contacted, via telephone. At the case conference, Pretrial Services clearly expressed to the defendant and defense counsel that her continued non-compliant behavior would not be tolerated any longer and that any future non-compliance would result in the defendant being discharged unsatisfactory from the Deferred Prosecution Program. The defendant spoke with her drug counselor, Steve Everett during the case conference and a revised schedule was implemented for the defendant's counseling sessions (every Friday from 12:00 to 1:00 P.M.). The defendant understood that her non-compliant behavior would no longer be tolerated.

On January 16, 2009, Pretrial Services received a telephone call from the defendant's drug counselor, Steve Everett, and he advised that she missed her appointment on that date. He advised that he had spoken with the defendant, and that she advised that she could not make her appointment on that date because she has both of her sons with her. Mr. Everett further informed that he advised her to bring her sons with her for the session and they would be able to stay in the room next to where her counseling would be held. Mr. Everett advised that the defendant agreed to that arrangement but she failed to show up for her appointment. Pretrial Services attempted to contact the defendant to inquire why she missed her appointment but her telephone has been temporarily disconnected. Pretrial Services spoke to the defendant's cousin, Kyle McFadden and asked her if she could reach out to the defendant and have her contact the undersigned officer

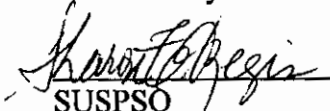
immediately. Ms. McFadden advised that she would do that as soon as possible. In addition, on January 27, 2009, Pretrial Services went to the defendant's residence to inquire why she did not attend her counseling session on 1/16/09 but she was not home at the time of our visit. Pretrial Services left a business card in the defendant's mailbox requesting that she contact our office as soon as possible. As of this writing, the defendant has not contacted Pretrial Services.

On 1/28/09, Pretrial Services spoke with Steve Everett from CIS counseling center and he advised that the defendant missed her counseling session on 1/23/09 as well. In addition, the defendant failed to report on that date for a random drug test.

Pretrial Services conducted a criminal record check for this defendant and it revealed no new arrests since her release on bail.

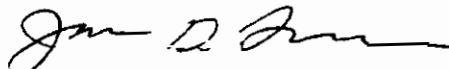
Both Assistant U.S. Attorney Telemachus Kasulis and Defense Counsel have been notified of the defendant's continued non-compliant behavior. Based on the defendant's continued non-compliant behavior, Pretrial Services is terminating the defendant unsatisfactory from the Deferred Prosecution Program.

Reviewed by:


SUSPSO

Respectfully submitted,

Marsha Davies-Calhoun, Acting Chief
U.S. Pretrial Services Officer



Jason G. Lerman
U.S. Pretrial Services Officer

cc: Telemachus Kasulis
Jennifer Brown

(AUSA)
(Defense Counsel)

via fax
via fax